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ALTIRA GROUP LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 8/4/05

ALTIRA GROUP LLC, a Colorado Limited
Liability Company,

Plaintiff,

v.

ALTATERRA PARTNERS, LLC, a
Delaware limited liability company; DFJ
ALTATERRA CLEAN ENERGY, LLC, a
Delaware limited liability company; DFJ
ALTATERRA CLEAN ENERGY FUND,
LP, a California limited partnership; and DFJ
ALTATERRA PARTNERS, LP, a Delaware
limited partnership,

Defendants.

No. C 05 01847 -RMW

Action filed: May 4, 2005

E-filing

**ORDER OF DISMISSAL
WITH PREJUDICE**

HOWARD
RICE
NEMEROVSKI
CANADY
FALK
& RABKIN
A Professional Corporation

1 THE COURT HEREBY FINDS that Plaintiff Altira Group, LLC has advised the Court
2 of a settlement in this matter.

3 IT IS HEREBY ORDERED that this action be dismissed with prejudice; provided,
4 however, that if Plaintiff shall certify to this Court, within ninety days, with proof of service
5 of a copy thereon on opposing counsel, that the agreed consideration for said settlement has
6 not been delivered over, the foregoing Order shall stand vacated, and this cause shall
7 forthwith be restored to the calendar.

8 **IT IS SO ORDERED.**

9 DATED: August 4, 2005

11 /s/ Ronald M. Whyte

12 **RONALD M. WHYTE**
13 United States District Judge

14 HOWARD
15 RICE
16 NEMEROVSKI
17 CANADY
18 FALK
19 & RABKIN
20 A Professional Corporation